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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,095	01/27/2006	Peter A. Fortman	06975-551US1	9000
26171	7590	11/09/2006	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			NGUYEN, QUANG N	
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			2141	

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/519,095

Applicant(s)

FORTMAN ET AL.

Examiner

Quang N. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20041227.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Detailed Action

1. This Office Action is in response to the Application SN 10/519,095 filed on 12/27/2004. Claims 1-26 are presented for examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 12/27/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Selgas et al. (US 6,571,290), hereinafter "Selgas".**

5. As to claim 1, **Selgas** teaches a method for modifying network configuration information on a client node, the method comprising:

establishing a first network connection between the client node and a host node using at least one network configuration parameter *(after the client dispatch application 200 has determined the proper dial-in number, the user's modem is initialized and dialing occurs to connect the user 110 to the access service 106 via the predetermined ISP 102 using the selected dial-in number)* (**Selgas, Fig. 2 and col. 14, lines 38-42**);

collecting configuration history information on the client node, the configuration history information having at least one parameter that is related to the first network connection *(collecting and storing the network services information, i.e., configuration history information, in the network services database 206 on the user node 110a, 110b, wherein the network services database 206 contains access information for each dial-in number for a particular ISP such as one or more PAP IDs/passwords, default routing information and configuration information to configure the user's modem, such as data compression information and speed)* (**Selgas, Fig. 2, col. 9, lines 39-62 and col. 17, lines 40-65**);

analyzing policy information on the client node, the policy information having a rule that is used for specifying a predetermined criterion *(based on the determined geographic location of the user, identifying and providing the user 110 with information needed to access one or more desired ISPs 102 that meet the customer desired low cost operation, reliability operation, and/or availability operation, i.e., meet a predetermined criterion)* (**Selgas, col. 8, lines 32-54 and col. 15, lines 22-34**);

if one of the parameters in the configuration history information does not satisfy the predetermined criterion, modifying one of the network configuration parameters (after receipt, the access service 106 reviews the header information to determine what, if any, updates are required to be made to the user client's dispatch application, databases, or network access devices operating system, i.e., identifying and providing the user 110 with information needed to access one or more desired ISPs 102 based on cost, location, availability, reliability, etc.) (Selgas, col. 8, lines 32-54 and col. 17, lines 40-65); and

establishing a second network connection between the client node and the host node using the modified network configuration parameter (after receiving the ISP-specific access information, the client dispatch application 200 may disconnect the user 110 from the current ISP 102 and automatically dial and reconnect the user 110 to the desired ISP 102 associated with the ISP-specific access information, i.e., associated with the modified network configuration parameter) (Selgas, col. 8, lines 9-13).

6. As to claim 2, **Selgas** teaches the method of claim 1, further comprising receiving the policy information from the host node prior to analyzing the policy information (the access service 106 identifies and provides the user 110 with policy information including access information needed to access one or more desired ISPs 102 that meet the customer desired low cost operation, reliability operation, and/or availability operation) (Selgas, col. 8, lines 32-54)..

7. As to claim 3, **Selgas** teaches the method of claim 1, wherein:

the first network connection comprises a first modem connection (*after the client dispatch application 200 has determined the proper dial-in number, the user's modem is initialized and dialing occurs to connect the user 110 to the access service 106 via the predetermined ISP 102 using the selected dial-in number*) (**Selgas, Fig. 2 and col. 14, lines 38-42**);

the at least one network configuration parameter comprises at least one modem configuration parameter (*the updated ISP-specific access information comprising information such as one or more PAP IDs/passwords, default routing information and configuration information to configure the user's modem, such as dial-in number, data compression information and speed*) (**Selgas, col. 17, lines 40-65**); and

the second network connection comprises a second modem connection (*after receiving the ISP-specific access information, the client dispatch application 200 may disconnect the user 110 from the current ISP 102 and automatically dial and reconnect the user 110 to the desired ISP 102 associated with the ISP-specific access information, i.e., associated with the modified network configuration parameter*) (**Selgas, col. 8, lines 9-13**).

8. As to claim 4, **Selgas** teaches the method of claim 1, further comprising:

if one of the parameters in the configuration history information does not satisfy the predetermined criterion, modifying a plurality of the network configuration parameters (*after receipt, the access service 106 reviews the header information to*

determine what, if any, updates are required to be made to the user client's dispatch application, databases, or network access devices operating system, i.e., identifying and providing the user 110 with information needed to access one or more desired ISPs 102 based on cost, location, availability, reliability, etc.) (Selgas, col. 8, lines 32-54 and col. 17, lines 40-65); and

establishing a second network connection between the client node and the host node using the modified network configuration parameters (after receiving the ISP-specific access information, the client dispatch application 200 may disconnect the user 110 from the current ISP 102 and automatically dial and reconnect the user 110 to the desired ISP 102 associated with the ISP-specific access information, i.e., associated with the modified network configuration parameter) (Selgas, col. 8, lines 9-13).

9. As to claim 5, **Selgas** teaches the method of claim 4, wherein the at least one modem configuration parameter includes a dialed number parameter and a connection speed parameter *(the updated ISP-specific access information comprising information such as one or more PAP IDs/passwords, default routing information and configuration information to configure the user's modem, such as dial-in number, data compression information and speed) (Selgas, col. 17, lines 40-65).*

10. As to claim 6, **Selgas** teaches the method of claim 5, wherein the at least one modem configuration parameter further includes a data compression technique parameter and a modulation technique parameter *(the updated ISP-specific access*

information comprising information such as one or more PAP IDs/passwords, default routing information and configuration information to configure the user's modem, such as dial-in number, data compression information and speed) (Selgas, col. 17, lines 40-65).

11. As to claim 7, **Selgas** teaches the method of claim 1, wherein:

the first network connection comprises a first Internet connection (*the user 110 connects to the Internet 100 via a predetermined ISP 102*) (**Selgas, col. 6, lines 6-31**);

the at least one network configuration parameter comprises at least one Internet configuration parameter (**Selgas, col. 6, lines 6-31**); and

the second network connection comprises a second Internet connection (*the user 110 reconnects to the Internet 100 via a preferred/desired ISP 102*) (**Selgas, col. 6, lines 6-31**).

12. As to claim 8, **Selgas** teaches the method of claim 7, wherein the at least one Internet configuration parameter includes a host Internet Protocol (IP) address parameter (*when the user contacts the ISP, the user is connected to the next available modem and the IP address of that modem becomes the IP address of that user for the remainder of that connection session*) and a connection speed parameter (*the updated ISP-specific access information comprising information such as configuration information to configure the user's modem, such as dial-in number, data compression information and speed*) (**Selgas, col. 6, lines 6-31 and col. 17, lines 40-65**).

13. As to claim 9, **Selgas** teaches the method of claim 8, wherein the at least one Internet configuration parameter further includes a data compression technique parameter and an encryption technique parameter (*various databases residing at the access provider and each of the clients systems permits dynamic or constantly changeable network access and encryption parameters to minimize the possibility of unauthorized access*) (**Selgas, col. 17, lines 40-65 and col. 29, lines 6-13**).

14. As to claim 10, **Selgas** teaches method of claim 1, wherein the configuration history information includes a dialed number parameter and a connection speed parameter (*the updated ISP-specific access information comprising information such as one or more PAP IDs/passwords, default routing information and configuration information to configure the user's modem, such as dial-in number, data compression information and speed*) (**Selgas, col. 17, lines 40-65**).

15. As to claim 11, **Selgas** teaches the method of claim 1, wherein the configuration history information includes a host Internet Protocol (IP) address parameter (*when the user contacts the ISP, the user is connected to the next available modem and the IP address of that modem becomes the IP address of that user for the remainder of that connection session*) and a connection speed parameter (*the updated ISP-specific access information comprising information such as configuration information to configure the user's modem, such as dial-in number, data compression information and speed*) (**Selgas, col. 6, lines 6-31 and col. 17, lines 40-65**).

16. As to claim 12, **Selgas** teaches the method of claim 1, wherein the configuration history information includes a performance statistic (*a client-specific histogram is generated containing information about past history of the user's connections*) (**Selgas, col. 21, lines 31-61**).

17. As to claim 13, **Selgas** teaches the method of claim 1, wherein the rule contained in the policy information include a rule for specifying cost or performance criteria (*which ISP 102 and what locations (dial-in phone numbers for local access) have the lowest priced service for a given user's dial-in location*) (**Selgas, col. 20, lines 51-61**).

18. As to claim 14, **Selgas** teaches the method of claim 1, wherein the policy information further includes host access information used by the client node when modifying the network configuration parameter (*the access service 106 tracks and stores information relating to all ISPs 102 and dial-in numbers regarding past history connections so the reliability function may use any one of the types of availability information, or combination thereof, for determining the dial-in number that will provide the user with a high reliability connection*) (**Selgas, col. 21, lines 31-61**).

19. As to claim 15, **Selgas** teaches the method of claim 14, wherein the host access information includes at least one modem access number (*the updated ISP-specific access information comprising information such as configuration information to*

configure the user's modem, such as dial-in number, data compression information and speed) (**Selgas**, col. 6, lines 6-31 and col. 17, lines 40-65).

20. As to claim 16, **Selgas** teaches the method of claim 14, wherein the host access information includes at least one Internet Protocol (IP) address (*when the user contacts the ISP, the user is connected to the next available modem and the IP address of that modem becomes the IP address of that user for the remainder of that connection session*) (**Selgas**, col. 6, lines 6-31).

21. As to claim 17, **Selgas** teaches the method of claim 1, further comprising terminating the first network connection (*after receiving the ISP-specific access information, the client dispatch application 200 may disconnect the user 110 from the current ISP 102 and automatically dial and reconnect the user 110 to the desired ISP 102 associated with the ISP-specific access information, i.e., associated with the modified network configuration parameter*) (**Selgas**, col. 8, lines 9-13).

22. As to claim 18, **Selgas** teaches the method of claim 1, further comprising sending the configuration history information to the host node (*after the user 110 establishes a connection to the access server 106 via a predetermined ISP 102, the client dispatch application 200 dispatches a "pinger" message, to the access server 106, with header information including the database 206 that contains access information for each dial-in number for a particular ISP such as one or more PAP*

IDs/passwords, default routing information and configuration information to configure the user's modem, such as data compression information and speed) (Selgas, col. 9, lines 39-62, col. 11, lines 50-59 and col. 17, lines 40-65).

23. As to claim 19, **Selgas** teaches the method of claim 1, further comprising collecting additional configuration history information on the client node, the additional configuration history information containing at least one parameter that is related to the second network connection (*the Service Selected sub-function retrieves configuration information from the network services database 206 and sends this information in a data message to the access service 106*) (**Selgas, col. 20, lines 35-50**).

24. Claim 20 is a corresponding computer system claim of method claim 1; therefore, it is rejected under the same rationale.

25. As to claim 21, **Selgas** teaches the computer system of claim 20, further comprising an input/output device (*i.e., the user computer/laptop 1150/1180 comprising a modem, keyboard, screen, mouse, speakers, etc.*) (**Selgas, Figs. 20-21**).

26 As to claim 22, Selgas teaches the computer system of claim 20, further comprising a network adaptor (*i.e., comprising an Ethernet card*) to interface with a network device during establishment of the first and second network connections (**Selgas, col. 15, lines 35-40**).

27. As to claims 23-24, **Selgas** teaches the computer system of claim 22, wherein the network device is a modem (*one of the plurality of modems of the ISP 102*) (**Selgas, Figs. 20-21**).

28. Claim 25 recites a corresponding computer system comprising means for performing the method claim 1; therefore, it is rejected under the same rationale.

29. Claim 26 recites a computer-readable medium having computer-executable instructions contained therein for performing the method claim 1; therefore, it is rejected under the same rationale.

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Dieterman et al. (US 2002/0013896 A1) discloses a method for updating computer configuration settings.
- Farhat et al. (US 2003/0097442 A1) discloses a method and system for monitoring service quality of at least one network connection point.
- Ogg et al. (US 2003/0097450 A1) discloses a dial-up manager looking up optimal phone numbers to dial.

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- Yip (US 2004/0177144 A1) discloses a method for balancing a load of clients of a network across a plurality of communications providers.

31. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Patent Examiner
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